

Notice of Allowability

Application No.

10/681,827

Examiner

Marcela M. Cordero Garcia

Applicant(s)

NAG ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 20, 2006.
2. ☒ The allowed claim(s) is/are 1-21, 25 and 26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

This Office Action is in response to the reply received on January 20, 2006.

Claims 1-4, 6, 8,9, 15-21 and 25-26 are pending in the application. Claims 22-24 and 27-34 have been cancelled by Applicant and claims 5, 7 and 10-14 are presently withdrawn.

Claims 1-4, 6, 8, 9, 15-21, 25 and 26 have been examined as they read upon Applicant's elected species.

Applicant's arguments with respect to the 35 U.S.C. 112, second paragraph rejection of record with respect to the term "analogs" have been considered and found persuasive.

Therefore, Examiner has broadened the search to encompass the broad claims 1-21 and 25-26.

Claims 1-21 and 25-26 have been examined on the merits and found allowable (in view of Examiner's Amendment below).

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Reginald J. Suyat on February 1, 2006.

The application has been amended as follows:

In claim 2, at line 3, the word "furyl;" has been omitted and replaced by the phrase --furyl and--.

In claim 3, at line 4, the word "or" has been omitted and replaced by the word --and--.

In claim 7, at lines 1-2, the phrase "tyrosine or a derivative thereof" has been omitted and replaced by the word --tyrosine.--.

In claim 10, at lines 1-2, the phrase "proline or a derivative thereof" has been omitted and replaced by the word --proline.--.

In claim 13, at lines 20-22, the word "and" has been added after 5-guanidinopentanoic acid, and a period has been added at the end of the claim.

Terminal Disclaimer

The terminal disclaimer filed on August 10, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,794,401 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Correction of Inventorship

In view of the papers filed October 23, 2004, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been

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corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding the inventors: 1) Shiv Kumar Agarwal and 2) Surendra Kumar Pandey.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Conclusion

Claims 1-21 and 24-26 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcela M. Cordero Garcia whose telephone number is (571) 272-2939. The examiner can normally be reached on M-Th 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on (571) 272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcela M Cordero Garcia, Ph.D.
Patent Examiner
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MMCG 01/06

A handwritten signature in black ink, appearing to read "B. Campell". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

BRUCE R. CAMPELL, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600